

UNITED STATES DISTRICT  
COURT OF THE DISTRICT  
OF MASSACHUSETTS

UNITED STATES OF AMERICA,  
Plaintiff - Respondent

CRS 04-1005

10/10/05

1  
EDDIE LEE ANDERSON  
Defendant - Petitioner

IN PURSUANT TO RULE 28 USC 2255  
TO HAVE SET ASIDE OR CORRECT SENTENCE

PETITIONER STATES THAT THIS COURT ERRORED  
AT SENTENCING BY SENTENCING PETITIONER FOR  
OBSTRUCTION OF JUSTICE THE LEADERSHIP ROLE AND  
USE OF A GUN (AMMUNITION CRIME).

THE SUPREME COURT IN *BLACKLEY VS WASH-  
INGTON*, 2004 U.S. LEXIS 4573.  
DATE JUNE 24, 2004

ACCORDING TO THIS DECISION THAT FACT MUST BE  
PROVED TO A JURY BEYOND A REASONABLE DOUBT.

Potentially, all the following could have enhancements that increase the base offense level in the current federal sentencing scheme are unconstitutional: Leadership role, offense victim, drug amount, less amount, obstruction of Justice, reckless endangerment, weapons possession, etc.

The Sixth Amendment says that "Any fact that increases the penalty for a crime beyond the prescribe statutory maximum must be submitted to a jury. prescribe statutory maximum means the penalty that the relevant statute authorizes solely on the basis of the facts reflected in the jury verdict.

Thus a Jury must find, not only the facts that make up the crime of which the offender is charged, but also all (punishment increasing) facts about the way in which the offender carried out that crime.  
(Emphasis added) (Justice Brandeis dissent)

PETITIONER STATES THAT NONE OF THE CLAIMS THAT ARE BEING ARGUED BY PETITIONER WAS PART OF THE JURY'S VERDICT, AND WAS ONLY THE HONORABLE JUDGE PATRICK SAKIS FINDING WHICH NOW THE SUPREME COURT HAS RULED UNCONSTITUTIONAL THEREFORE VIOLATING PETITIONER SIXTH AMENDMENT RIGHT.

WHEREFORE IN CONSIDERATION OF THE FACTS AS WELL AS THE ARGUMENT OF LAW THIS MOTION

that your Petitioner Pamp; that this court  
Vacate his prior sentence and direct his term to be  
served. Sincerely yours Eddie Lee Anderson.  
EDDIE LEE ANDERSON.  
23335-248.